



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

January 12, 2010

B. Keith Overcash, P.E.
Director
Division of Air Quality
North Carolina Department of
Environment and Natural Resources
1641 Mail Service Center
Raleigh, North Carolina 27699-1641

Dear Mr. Overcash:

Thank you for the November 30, 2009, submittal of the final reasonable further progress (RFP) plan for the North Carolina portion of the bi-state Charlotte 1997 8-hour ozone area. The bi-state Charlotte 1997 8-hour ozone area is comprised of Charlotte-Gastonia and Rock Hill (York County), South Carolina. The North Carolina portion of the Charlotte-Gastonia area is comprised of the following sub-areas or counties: Cabarrus, Gaston, partial of Iredell, Lincoln, Mecklenburg, Rowan, and Union. This RFP included the required motor vehicle emission budgets (MVEBs) for volatile organic compounds (VOC), in addition to voluntary MVEBs for nitrogen oxides (NOx).

Pursuant to Section 92.118(e)(4) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), the U.S. Environmental Protection Agency (EPA) has reviewed North Carolina's RFP plan for Charlotte (as part of the bi-state Charlotte 1997 8-hour ozone area) as well as the sub-area MVEBs contained in the RFP plan which were developed with the MOBILE6.2 emission factor model. We have determined that these sub-area MVEBs are adequate for the purposes of transportation conformity.

North Carolina's 1997 8-hour ozone RFP for the North Carolina portion of the Charlotte bi-state area has sub-area MVEBs for both VOC and NOx for 2008. These sub-area MVEBs, presented in the table below, are only for the North Carolina portion of Charlotte.

CHARLOTTE (North Carolina Portion) 8-HOUR OZONE MVEBS
[kilograms/day]

2008 SUB-AREA MVEBS		
County	VOC	NO_x
Cabarrus	6,941	7,324
Gaston	5,132	7,647
Iredell*	3,601	5,637
Lincoln	2,726	2,948
Mecklenburg	26,368	34,526
Rowan	6,149	7,193
Union	6,299	5,660

*Iredell County MVEB for nonattainment area only

EPA opened a comment period on the adequacy of the sub-area MVEBs contained in the North Carolina 1997 8-hour ozone RFP plan for the North Carolina portion of the Charlotte area by posting the availability of the state implementation plan (SIP) on our website December 3, 2009, (See www.epa.gov/otaq/stateresources/transconf/currships.htm.) The comment period for the adequacy of the MVEBs closed on January 3, 2010. No comments were received during EPA's adequacy comment period.

More information on SIPs and adequacy reviews is available on the EPA website. EPA will publish a notice in the Federal Register announcing our adequacy finding for the newly established sub-area MVEBs for the North Carolina portion of Charlotte in the very near future. The Federal Register notice will also announce the date that the adequacy finding becomes effective. The sub-area MVEBs will be available for use in the North Carolina portion of Charlotte on the effective date.

EPA notes that the D.C. Circuit issued a decision on July 11, 2008, vacating the Clean Air Interstate Rule (CAIR). North Carolina v. EPA, 531 F.3d 896 (D.C. Cir. 2008). On September 24, EPA and other parties in the case filed motions for rehearing asking the D.C. Circuit to reconsider its decision in the case. On December 23, 2008, the court granted EPA's motion for rehearing to the extent it agreed to remand CAIR without vacating it. However, the court made no other changes to the July 11 opinion, remanding the case to EPA for further rulemaking consistent with this opinion. Therefore, the CAIR rule remains in place, but EPA must promulgate another rule consistent with the court's July 11 opinion. EPA has reviewed these sub-area MVEBs in light of the remand of the CAIR rule and concluded that the budgets meet the conformity rule's adequacy criteria found at 40 CFR 93.118(e)(4). In particular, EPA has concluded that the sub-area MVEBs satisfy the requirements of 40 CFR 93.118(e)(4)(iv) which requires that MVEBs, when considered together with all other emissions sources, is consistent with applicable requirements for reasonable further progress, attainment or maintenance (whichever is relevant to the given implementation plan submission). As noted above, North Carolina voluntarily elected to include NO_x sub-area MVEBs for the RFP. The

reduction in NOx emissions from the base year and the RFP target year of 2008 in the North Carolina portion of the bi-state Charlotte 1997 8-hour ozone area, even without the CAIR reductions, is consistent with some progress towards attaining the standard, and thus is consistent with EPA requirements, policy and guidance for a state to establish these voluntary sub-area MVEB.

If you have any questions or need additional information, please contact me or have your staff contact, Richard A. Schutt, Chief, Air Planning Branch at (404) 562-9033.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth R. Lapierre". The signature is fluid and cursive, with a large initial "K" and "L".

Kenneth R. Lapierre
Acting Director
Air, Pesticides and Toxics
Management Division

cc: Don Willard, Mecklenburg LUESA